

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

JAN 21 2015

FOR THE DISTRICT OF NEW MEXICO

**MATTHEW J. DYKMAN**  
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**GERALD JAMES VIARRIAL,**

Defendant.

CRIMINAL NO.

15-214 MVCounts 1-3: 18 U.S.C. §§ 2, 1153,  
113(a)(3): Assault With a Dangerous  
Weapon;Count 4: 18 U.S.C. §§ 13, 1153 and  
N.M.S.A. 1978, 30-6-1(D):  
Abandonment or Abuse of a Child;Count 5: 18 U.S.C. §§ 924(c): Using,  
Carrying, Possessing and Brandishing a  
Firearm During and in Relation to and in  
Furtherance of a Crime of Violence;Count 6: 18 U.S.C. § 113(a)(6): Assault  
Resulting in Serious Bodily Injury;Count 7: 18 U.S.C. §§ 13, 1153 and  
N.M.S.A. 1978, 30-6-1(D):  
Abandonment or Abuse of a Child.INDICTMENT

The Grand Jury charges:

Count 1

Between on or about July 15, 2010, and August 15, 2010, in Indian Country, in Santa Fe County, in the District of New Mexico, the defendant, **GERALD JAMES VIARRIAL**, an Indian, did assault Jane Doe with a dangerous weapon, that is, a handgun, with intent to do bodily injury.

In violation of 18 U.S.C. §§ 1153 and 113(a)(3).

Count 2

Between on or about July 15, 2010, and August 15, 2010, in Indian Country, in Santa Fe County, in the District of New Mexico, the defendant, **GERALD JAMES VIARRIAL**, an

Indian, did assault John Doe 1 with a dangerous weapon, that is, a handgun, with intent to do bodily injury.

In violation of 18 U.S.C. §§ 1153 and 113(a)(3).

Count 3

Between on or about July 15, 2010, and August 15, 2010, in Indian Country, in Santa Fe County, in the District of New Mexico, the defendant, **GERALD JAMES VIARRIAL**, an Indian, did assault John Doe 2 with a dangerous weapon, that is, a handgun, with intent to do bodily injury.

In violation of 18 U.S.C. §§ 1153 and 113(a)(3).

Count 4

Between on or about July 15, 2010, and August 15, 2010, in Indian Country, in Santa Fe County, in the District of New Mexico, the defendant, **GERALD JAMES VIARRIAL**, an Indian, did knowingly, intentionally, and negligently, and without justifiable cause, cause or permit John Doe 1 and John Doe 2, children under the age of 18, to be placed in a situation that may have endangered each child's life or health.

In violation of 18 U.S.C. §§ 13, 1153 and N.M.S.A. 1978, § 30-6-1(D).

Count 5

Between on or about July 15, 2010, and August 15, 2010, in Indian Country, in Santa Fe County, in the District of New Mexico, the defendant, **GERALD JAMES VIARRIAL**, knowingly carried, possessed, and brandished a firearm during and in relation to and in furtherance of a crime of violence for which the defendant may be prosecuted in a court of the United States: to wit, assault with a dangerous weapon with intent to do bodily harm as charged in Count 1, 2, and 3 of this indictment and felony child abuse as charged in Count 4 of this indictment.

In violation of 18 U.S.C. § 924(c).

Count 6

On or about March 24, 2014, in Indian Country, in Santa Fe County, in the District of New Mexico, the defendant, **GERALD JAMES VIARRIAL**, an Indian, did assault John Doe 1 and the assault resulted in serious bodily injury.

In violation of 18 U.S.C. §§ 1153 and 113(a)(6).

Count 7

On or about March 24, 2014, on an occasion different and distinct from that charged in Count 2, in Indian Country, in Santa Fe County, in the District of New Mexico, the defendant, **GERALD JAMES VIARRIAL**, an Indian, did knowingly, intentionally, and negligently, and without justifiable cause, cause or permit John Doe 1, a child under the age of 18, to be placed in a situation that may have endangered the child's life or health.

In violation of 18 U.S.C. §§ 13, 1153 and N.M.S.A. 1978, § 30-6-1(D).

A TRUE BILL:

/s/  
FOREPERSON OF THE GRAND JURY

  
Assistant United States Attorney

1/21/2015 1:43 PM